

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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FIFTY-EIGHTH LEGISLATIVE DAY  
TUESDAY, MARCH 9, 2004

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes; and Senators Andreason, Burkett, Gannon, Goedde, Ingram, Malepeai, McWilliams, Noh, Schroeder, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alena Shea, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 8, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Ingram, McWilliams, Schroeder, and President Pro Tempore Geddes were recorded present at this order of business.

March 9, 2004

The JUDICIARY AND RULES Committee reports that **S 1440** has been correctly printed.

DARRINGTON, Chairman

**S 1440** was referred to the Judiciary and Rules Committee.

March 8, 2004

The JUDICIARY AND RULES Committee reports that **S 1381, S 1385, S 1386, S 1387, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403, S 1404**, and **S 1405** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1381, S 1385, S 1386, S 1387, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403, S 1404**, and **S 1405** and ordered them transmitted to the House for the signature of the Speaker.

March 8, 2004

The JUDICIARY AND RULES Committee reports that **S 1287**, as amended, **S 1271**, as amended, **S 1301**, as amended, **S 1321**, as amended, and **S 1327**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1287**, as amended, **S 1271**, as amended, **S 1301**, as amended, **S 1321**, as amended, and **S 1327**, as amended, were filed for first reading.

March 8, 2004

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1287, S 1271, S 1301, S 1321, H 560, H 473, H 520**, and **S 1327** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 8, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1227, S 1228, S 1252, S 1277, S 1365**, and **S 1377** were delivered to the Office of the Governor at 1:47 p.m., March 8, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 8, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 724, H 739**, and **H 753** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 724, H 739, and H 753** were filed for second reading.

March 8, 2004

March 8, 2004

The EDUCATION Committee reports out **S 1353** and **H 602** with the recommendation that they do pass.

SCHROEDER, Chairman

**S 1353** and **H 602** were filed for second reading.

Senators Burkett, Gannon, Goedde, Noh, and Werk were recorded present at this order of business.

March 8, 2004

The HEALTH AND WELFARE Committee reports out **H 696**, as amended, and **HCR 49** with the recommendation that they do pass.

BRANDT, Chairman

**H 696**, as amended, was filed for second reading.

**HCR 49** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 8, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 592** and **H 634**, as amended, with the recommendation that they do pass.

NOH, Chairman

**H 592** and **H 634**, as amended, were filed for second reading.

March 8, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 635** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

NOH, Chairman

There being no objection, **H 635** was referred to the Fourteenth Order of Business, General Calendar.

March 8, 2004

The JUDICIARY AND RULES Committee reports out **S 1416, H 609**, as amended, and **H 686** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1416, H 609**, as amended, and **H 686** were filed for second reading.

The FINANCE Committee reports out **H 789, H 790, H 791, H 792, H 793, H 794, H 795**, and **H 801** with the recommendation that they do pass.

CAMERON, Chairman

**H 789, H 790, H 791, H 792, H 793, H 794, H 795**, and **H 801** were filed for second reading.

March 9, 2004

The JUDICIARY AND RULES Committee reports out **S 1440** with the recommendation that it do pass.

DARRINGTON, Chairman

**S 1440** was filed for second reading.

March 8, 2004

The STATE AFFAIRS Committee reports out **S 1437** and **H 645** with the recommendation that they do pass.

SORENSEN, Chairman

**S 1437** and **H 645** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 8, 2004

Mr. President:

I transmit herewith **H 805, HJM 21, H 778, H 756, H 773, H 646, H 741, H 776, H 777, HCR 55, H 780**, and **H 771** which have passed the House.

JUKER, Chief Clerk

**H 805, HJM 21, H 778, H 756, H 773, H 646, H 741, H 776, H 777, HCR 55, H 780**, and **H 771** were filed for first reading.

March 8, 2004

Mr. President:

I return herewith **S 1266, S 1267, S 1268, S 1210, S 1221, S 1237, S 1255, S 1264, SCR 120, S 1295, S 1296, S 1244, S 1245, S 1246, S 1248**, and **S 1249** which have passed the House.

JUKER, Chief Clerk

**S 1266, S 1267, S 1268, S 1210, S 1221, S 1237, S 1255, S 1264, SCR 120, S 1295, S 1296, S 1244, S 1245, S 1246, S 1248**, and **S 1249** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

Senator Malepeai was recorded present at this order of business.

The President announced that **HJM 15**, having been held, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McWilliams, seconded by Senator Stennett, **HJM 15** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HCR 40** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Marley, seconded by Senator Davis, **HCR 40** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

Senator Andreason was recorded present at this order of business.

The President announced that **HJM 17** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bailey, seconded by Senator Burkett, **HJM 17** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HCR 39** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Calabretta, seconded by Senator Little, **HCR 39** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 45** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bailey, seconded by Senator Marley, **HCR 45** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

**H 560**, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 473**, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

**H 520**, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

**S 1287**, as amended, and **S 1271**, as amended, by Transportation Committee, were read the first time at length and filed for second reading.

**S 1301**, as amended, and **S 1321**, as amended, by Health and Welfare Committee, were read the first time at length and filed for second reading.

**S 1327**, as amended, by Education Committee, was read the first time at length and filed for second reading.

**H 805**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**HJM 21**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 778**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 756**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 773**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 646**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 741** and **H 776**, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 777**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**HCR 55**, by Ways and Means Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

**H 780**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 771**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

### **Second Reading of Bills**

**S 1420**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 564**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 587**, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**H 727**, by Education Committee, was read the second time at length and filed for third reading.

**H 658** and **H 697**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**H 677** and **H 683**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

**H 624**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 783**, **H 784**, **H 785**, and **H 786**, by Appropriations Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Werk, granted by unanimous consent, **S 1393** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Schroeder, granted by unanimous consent, **S 1310**, as amended, and **S 1328**, as amended, retained their place on the Third Reading Calendar for Thursday, March 11, 2004.

On request by Senator Compton, granted by unanimous consent, **S 1284**, as amended, retained its place on the Third Reading Calendar for two legislative days.

**S 1317**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Davis, Stegner, and Werk.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senator Andreason.

The President directed the Sergeant at Arms to find and present Senator Andreason to the Senate.

Senator Andreason was recorded present.

On request by Senator Davis, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1317**, as amended, pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1317**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1307**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1307**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Stegner to the Chair.

**S 1269**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Ingram and Werk arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--Sweet. Total - 1.

Absent and excused--Sorensen. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1269**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1313**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noh arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1313**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1373**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sorensen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Lodge, Malepeai, Marley, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 26.

NAYS--Bailey, Brandt, Keough, Little, McKenzie, Noble, Pearce, Sweet, Williams. Total - 9.

Total - 35.

Whereupon the Acting President declared **S 1373**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

**S 1350**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1350**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1329**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Sorensen, Stennett, Werk, Williams. Total - 24.

NAYS--Bunderson, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Stegner, Sweet. Total - 10.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1329**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1289** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Darrington, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Burtenshaw, Davis, Geddes, McKenzie, Noble. Total - 5.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1289** passed, title was approved, and the bill ordered transmitted to the House.

**S 1418** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1418** passed, title was approved, and the bill ordered transmitted to the House.

**S 1407** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1407** passed, title was approved, and the bill ordered transmitted to the House.

**S 1430** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 23.

NAYS--Andreason, Calabretta, Goedde, Kennedy, Malepeai, Marley, McWilliams, Schroeder, Stennett, Werk. Total - 10.

Absent and excused--Bunderson, Burkett. Total - 2.

Total - 35.

Whereupon the President declared **S 1430** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

**S 1431** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Cameron, Compton, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 22.

NAYS--Andreason, Burkett, Calabretta, Darrington, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Stennett, Werk. Total - 12.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1431** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:30 p.m. until the hour of 4 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Bunderson, Burkett, Pearce, Schroeder, Stegner, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

Senators Pearce, Schroeder, and Stennett were recorded present at this order of business.

March 8, 2004

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Darlene Andreason of Boise, Idaho, to be Acting State Senator for Legislative District 15. This appointment will be effective March 10, 2004, and continue until such time as Senator John Andreason is able to resume his duties.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, John Andreason, State Senator, District 15, Ada County, State of Idaho, has nominated Darlene Andreason of Boise, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 15, Ada County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Darlene Andreason, to the office of State Senator, District 15, Ada County, State of Idaho, for a term commencing on March 10, 2004, and continuing until such time as Senator John Andreason is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this tenth day of March, in the year of our Lord Two thousand and four and of the Independence of the United States of America, the two hundred and twenty-eighth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

Senators Bunderson, Burkett, and Stegner was recorded present at this order of business.

**S 1432** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Total - 35.

Whereupon the President declared **S 1432** passed, title was approved, and the bill ordered transmitted to the House.

**S 1433** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Stennett, Werk. Total - 10.

Total - 35.

Whereupon the President declared **S 1433** passed, title was approved, and the bill ordered transmitted to the House.

**S 1434** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 28.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared **S 1434** passed, title was approved, and the bill ordered transmitted to the House.

**S 1388** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1388** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Malepeai, granted by unanimous consent, **S 1352** was recommitted to the Education Committee.

**S 1292** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Williams. Total - 33.

NAYS--Kennedy, Werk. Total - 2.

Total - 35.

Whereupon the President declared **S 1292** passed, title was approved, and the bill ordered transmitted to the House.

**S 1391** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noh arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--McKenzie. Total - 1.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **S 1391** passed, title was approved, and the bill ordered transmitted to the House.

**S 1389** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--Sweet. Total - 1.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **S 1389** passed, title was approved, and the bill ordered transmitted to the House.

**S 1438** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **S 1438** passed, title was approved, and the bill ordered transmitted to the House.

**S 1439** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Gannon, Geddes, Hill, Ingram, Lodge, Malepeai, Marley, McKenzie, McWilliams, Pearce, Richardson, Sorensen. Total - 17.

NAYS--Andreason, Bailey, Calabretta, Compton, Davis, Kennedy, Keough, Little, Noh, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 15.

Absent and excused--Burkett, Goedde, Noble. Total - 3.

Total - 35.

Whereupon the President declared **S 1439** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, **H 586** was placed to follow **H 542** on the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:30 p.m. until the hour of 9:30 a.m., Wednesday, March 10, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary